IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

WEDNESDAY, THE 18TH JULY 2007 / 27TH ASHADHA 1929

WP(C).No. 21077 of 2004(H)

PETITIONERS:
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1. **K.S.RADHAKRISHNA PANICKER,**
   H.S.A. (MATHS), GOVT.VOCATIONAL HIGHER
   SECONDARY SCHOOL, KALPAKANCHERRY,
   KALPAKANCHERRY P.O., MALAPPURAM DISTRICT.

2. **P.KUNHAN, H.S.A. (SOCIAL STUDIES),**
   DO. DO.

3. **P.VALLI, H.S.A. (SOCIAL SCIENCE),**
   DO. DO.

4. **P.THANKAMMA, H.S.A. (MALAYALAM),**
   DO. DO.

5. **K.T.VIJAYAN, H.S.A. (SOCIAL SCIENCE),**
   G.V.H.S.S.MADAPPALLY, P.O.MADAPPALLY COLLEGE,
   VATAKARA, KOZHIKODE DISTRICT.

6. **GOPINATHAN NAIR C.R.,**
   H.S.A.(NATURAL SCIENCE), G.V.H.S.S. FOR GIRLS,
   NADAKKAVU, NADAKKAVU P.O., KOZHIKODE DISTRICT.

7. **K.T.ABDUL MAJEED, H.S.A. (BIO),**
   G.H.S.NAYARKUZHI, P.O.NAYARKUZHI,
   R.E.C.-VIA, KOZHIKODE DISTRICT.

8. **E.K.GEETHABAI, H.S.A.(NATURAL SCIENCE),**
   GOVT.BOY'S HIGH SCHOOL, MALAPPURAM.

9. **P.V.SURESHAN, H.S.A. (MATHS),**
   GOVT.VOCATIONAL HIGHER SECONDARY SCHOOL,
   EDAYANNUR, P.O.EDAYANNUR, KANNUR DISTRICT.

BY ADV. SRI.BABU JOSEPH KURUVATHAZHA
SRI.C.P.SIVADASAN NAIR

RESPONDENTS:
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1. **STATE OF KERALA REP.BY ITS SECRETARY TO GOVERNMENT, DEPARTMENT OF GENERAL EDUCATION, GOVT.SECRETARIAT, THIRUVANANTHAPURAM.**

2. **THE DEPUTY DIRECTOR OF EDUCATION, MALAPPURAM.**

3. **THE DEPUTY DIRECTOR OF EDUCATION, KOZHIKODE.**

4. **THE DEPUTY DIRECTOR OF EDUCATION, KANNUR.**

5. **THE ACCOUNTANT GENERAL (AUDIT), KERALA, THRISSUR BRANCH, THRISSUR.**

BY GOVERNMENT PLEADER SMT. K.R.DEEPA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 18/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 21077/2004 H

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE GO MS DATED 26/10/68 BY THE R1.

EXT.P2. COPY OF THE RELEVANT PAGE OF APPENDIX III OF RULE VIII OF GO P NO. 515/85 DT. 16/09/85.

EXT.P3. COPY OF THE RELEVANT PAGE OF ANNEX. IIII OF GO P NO. 480/89 DT. 1/11/89 DETAILING THE RULE VIII.

EXT.P4. COPY OF THE RELEVANT PAGES OF APPENDIX III, BY THE R1 VIDE NOTE UDNER RULE VIII OF EXT. P3.

EXT.P5. COPY OF THE GO P NO. 81/94/5/FIN DT. 2/2/94 BY THE R1.

EXT.P6. COPY OF THE RELEVANT PAGES OF ANNEXURE III OF GO P NO. 3000/98 DT. 25/11/98.

EXT.P7. COPY OF THE GO P NO. 1480/99/FIN DT. 17/6/99, BY THE R1.

EXT.P8. COPY OF THE GO P NO. 990/00/FIN TVM DT. 27/6/00 BY THE R1.

EXT.P9. COPY OF THE RELEVANT PORTION OF THE AUDIT OBJECTION RAISED BY THE AUDIT PARTY UDNER THE IST AND 2ND RESPONDENT.

EXT.P9A. COPY OF THE OBJECTION FILED BY THE P1 AGAINST EXT. P9 ON 8/7/02.

EXT.P10. COPY OF THE RELEVANT PORTION OF THE AUDIT OBJECTION RAISED AGAINST THE INCREMENT SANCTIONED TO P7, BY RECKONING THEPERIOD OF SIDED SCHOOL SERVICE FOR WEIGHTAGE, BY THE R5 DT. 29/1/03.

EXT.P11. COPY OF THE AUDIT OBJECTION BY THE AUDIT PARTY UDNER THE R2 AGAINST THE P8 DT. 4/1/02.

EXT.P11A. COPY OF THE EXPLANATION SUBMITTED BY THE P8 TO GOVT. THROUGH PROPER CHANNEL DT. 29/08/03 TO EXT.P11 OBJECTION.

EXT.P12. COPY OF THE PROCEEDINGS NO. G1/31722/03/L.DIS DT. 7/10./03 BY THE R2.

EXT.P13. COPY OF THE GO DATED 16/3/79 ISSUED BY THE R1.

EXT.P14. COPY OF THE GO P NO. 540/94/FIN DT. 16/3/79 BY THE R1.

EXT.P15. COPY OF THE CIRCULAR NO. 35196/J2/99/G. EDN DT. 9/8/99 BY THE R1.

True copy

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KURIAN JOSEPH, J.

W.P. (C). NO. 21077 OF 2004

Dated this the 18th day of July, 2007.

J U D G M E N T

This writ petition is filed mainly with the following prayers:

> i) Issue a writ of certiorari or any other appropriate writ, order or direction, quashing Exts. P9, P10 & P11 and similar audit objections, issued against the petitioners.
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> ii) Issue a writ of mandamus or any other appropriate writ, order or direction commanding the respondents to reckon the aided school service rendered by the petitioners prior to their entry in Govt. Service for providing weightage, for the fixation of increment and scale of pay.

2. According to the petitioners, they are entitled to have the benefit in view of the decision of this Court reported in ***Samuel John vs. State of Kerala*** **(2002(1) KLT 303)**. There is no counter affidavit.

There will be a direction to the first respondent to examine the case of the petitioners in the light of the decision referred to above with notice to first two petitioners as representatives of the rest of the petitioners and pass appropriate orders in accordance with law in the matter, if not already passed, within a

period of three months from the date of production of a copy of this judgment. Interim order passed by this Court on 16.07.2004 will continue till such time.

This writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE.

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